IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8565 OF 2005

Ibrahim Sayyed Hussein ...Petitioner

vs.

State of Maharashtra

and Ors. ...Respondents

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WRIT PETITION NO.8440 OF 2005

Kavita Co-operative Housing Society

and 2 Ors. ...Petitioner

vs.

Mr. Prem Lalwani

...Respondents.

Mr. Rajiv Gupta i/b. A.M. Saraogi for the

petitioner.

Mr.P.G. Kinikar for respondent no.2 to 4.

Smt. Vidya Bandekar for respondent no.7.

Mr. A..A. Kumbhakoni, AGP for state.

CORAM: S.U. KAMDAR, J.

DATE : 23RD DECEMBER, 2005.

P.C. :

1. In the light of the statement made by the Associate Advocate General appearing for the state that he is withdrawing both the orders impugned herein in both the writ petitions, the said orders are quashed and set aside. Both the appeals are remanded back to the Divisional Joint Registrar for fresh hearing on its own merits and will be heard and decided by the officer other than the one who has passed the impugned order. In the light of the facts that the learned Advocate General after taking instructions has made a statement that the law will take its own course and appropriate investigation

will be carried out as to the conduct of the Divisional Joint Registrar who has passed the impugned order and if found necessary a departmental proceedings will be initiated I refrain myself from taking any action in both the present petitions. The Secretary of the Ministry of Corporation is present in court. The Government is directed to conduct inquiry and file a report of the conclusion arrived at on such preliminary inquiry within a period of 6 months from today. Both the writ petitions are disposed off accordingly.

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